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SUBJECT: AFGHANISTAN/COUNTERNARCOTICS: PARDON AND RELEASE OF DRUG TRAFFICKERS

¶1. (SBU) We recently learned that, on April 30, 2009, President Karzai had issued a decree pardoning five Border Police officers who were convicted in 2007 of transporting approximately 124 kilograms of heroin in a Border Police truck. These five officers (Amrullah, Bilal Ahmad, Shahzad Gul, Said Babrak, and Shah Malang), were under the command of Haji Zahir, a Border Police commander from Badakshan Province. Although Zahir was interviewed at length by Afghan officials and U.S. DOJ, he was never prosecuted because none of the five officers agreed to cooperate against him. However, from the time the five officers were arrested, numerous members of parliament and other influential individuals pressed for their release.

¶2. (SBU) All five defendants were sentenced to between 16 and 18 years in prison. President Karzai pardoned them and ordered their release after they had served only 14 months in jail. Following their conviction in Primary Court, the defendants had been sent to Pul-i-Charkhi Prison. They were later transferred to a prison in Jalalabad. This transfer required the concurrence of the Minister of Justice. The five defendants are related to Haji Din Mohammed, Kabul Provincial Governor, who is a native of Jalalabad. According to Ministry of Justice records, when released, the five defendants were turned over to Haji Din Mohammed. The decree of pardon is predicated upon the purported "martyrdom" of two brothers of Haji Din Mohammed (Haji Kadir, a former minister), and Haji Abdul Haq (a former mujahed), in separate incidents.

¶3. (SBU) A highly-placed source in the Attorney General's Office states that the impetus for the Presidential Pardon was a letter from Attorney General Aloko advocating on behalf of the five convicted individuals. The source states that the President would not have signed the letter without the concurrence of AG Aloko. Aloko is the former head of the Aloko Commission, which was charged with the responsibility for reviewing the status of prisoners released from BAF and discharged to the ANDF.

¶4. (SBU) On May 28, at a press conference at the Afghan Government Media and Information Center following the signing of a US-Aghan MOU extending US support for the Governor-Led Initiative against poppy cultivation, a journalist asked about reports that President Karzai had released convicted narcotics traffickers. Deputy Ambassador Ricciardone responded:

"The government of Afghanistan has scored some notable successes in arresting and prosecuting successfully and in sentencing some narco-traffickers. One thing that worries us however is when traffickers are sentenced and then released, as we hear sometimes has been the case. When that happens, it undermines General Khudaidad and all that he is trying to do. It undermines the Ministry of Interior; it undermines the state itself, so when we see that happening, we find it very discouraging and upsetting and we think it probably upsets the people of Afghanistan as well."

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